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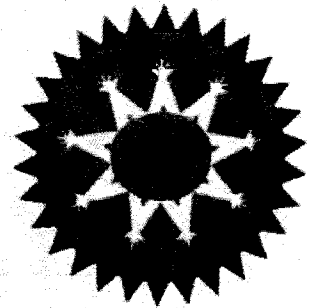
Troy "Scott" Weston

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August 29, 2017



Received & Inspected

Ajit V. Pai, Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC 20554
ajit.pai@fcc.gov

MAR 09 2018

FCC Mail Room

Re: Emergency Request for Extension of USAC Recertification Deadlines
to Preserve Cellular Service on Pine Ridge Reservation

Dear Chairman Pai:

I am writing you as President of the Oglala Sioux Tribe (OST), and circumstances require that I burden you with a request for emergency action by the Federal Communications Commission. Specifically, we just learned last Thursday that an innovative and very popular Lifeline service, which provides service to more than 3,000 residents of the Pine Ridge Reservation, is at risk of being cut off later this week, because the usual processes that USAC has established for providing notice of the annual recertification requirement, and for completing recertification, do not work well on our reservation.

To address this issue, and to prevent the immediate termination of service to thousands of Pine Ridge residents, we ask that you issue a letter instructing USAC to extend the recertification deadline for all Lifeline subscribers on Pine Ridge reservation until June 30, 2018. By that time, the Oglala Sioux Tribe and its pro bono telecom counsel commit to working with USAC, AT&T and the Commission to develop and implement an accurate and reliable recertification procedure that is appropriate for Pine Ridge. I explain this request in more detail below.

Last Year, the Oglala Sioux Tribe and AT&T Established an Innovative and Unique Lifeline Service Designed to Meet the Needs of Qualified Residents of the Pine Ridge Reservation

On June 8, 2017, you and members of the Commission Staff conducted a Tribal Consultation Event on the Rosebud Reservation. There you met with Steve Pourier, the Director of the OST Utilities Office and OST's pro bono telecom counsel, Jon Canis, and they had a chance to describe a unique service arrangement that the Tribe negotiated with AT&T. Those negotiations took more than six months, and we are very proud of the outcome: together, AT&T and OST have developed a Lifeline-funded service that provides a full-feature Smartphone and unlimited voice and text service to qualified Pine Ridge residents at no cost to them. Data services may be added on a prepaid basis, at a cost of \$5.00 per 100 Mbps, and subscribers can add as much data as they wish on a monthly basis. As part of this service, AT&T committed to an aggressive roll-out effort and regular meetings with the Tribe to ensure high quality of service and customer satisfaction.

This service is the first of its kind, and to date it is unique – it is offered only on the Pine Ridge Reservation. It is immensely popular – in the first few months after its introduction, over 3,000 Pine Ridge residents signed up for the service. OST hopes that by making the service a sustainable success, it may provide a model for Lifeline services for other Tribes and other carriers.

The Unique Needs of Pine Ridge

The Lifeline service negotiated with AT&T was designed to meet the unique needs of the population of Pine Ridge – one of the largest reservations in the country by land area and population, Pine Ridge is extremely rural, with a highly dispersed population. It is also one of the three poorest reservations, and contains the poorest counties in the U.S. The unemployment rate exceeds 80%, and half of the population of over 40,000 live below the poverty line. The vast majority of the population rely on cellular service and Smartphones as their sole source of telecommunications, data and Internet access.

AT&T made an extraordinary effort to sign up eligible Pine Ridge residents – it hired additional staff and security for its store in the town of Pine Ridge, but that was inadequate to serve a reservation that is larger than the state of Delaware. So AT&T sent mobile units to sign up subscribers in community centers across the most rural districts of the Pine Ridge reservation.

The Difficulty of Complying with USAC Recertification Requirements

The unique characteristics of Pine Ridge make adherence to the recertification procedures established by USAC impossible. The primary means of notifying subscribers that they must recertify is by robocall – but on Pine Ridge, most subscribers do not maintain voicemail accounts. For those that receive notification, many lack the computer skills to recertify on the USAC website. Moreover, for many older Pine Ridge residents, Lakota is their only language, and so personal notice is very difficult. In-person recertification is impossible in many cases – AT&T incurred substantial expense in staffing and deploying mobile units to sign up qualified residents, and it would be cost-prohibitive to repeat that process every year.

The Need for Immediate Action

We learned of the very low recertification rate among Pine Ridge subscribers only last Thursday, during a call with AT&T. Recertification takes place on a rolling, monthly basis, based on the date of subscribership. Some Pine Ridge subscribers have already had their service terminated, but the largest group of subscribers signed up in September of last year, and will be terminated on August 31 – Thursday of this week. The first full month of service availability saw very long lines of Pine Ridge residents waiting to sign up – we believe that well over 1,000 Pine Ridge residents will lose their service unless USAC and AT&T are instructed to extend the shutoff deadline. Another wave that signed up in October of last year will be terminated the following month.

We understand that we are not providing reasonable notice, and we apologize for having to make this request. But we are submitting this letter request to you literally on the third business day after learning of the shutoff deadline.

The Action We Request

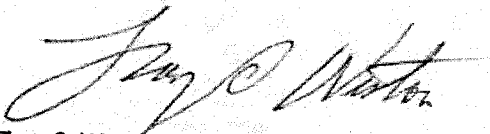
It occurs to us that the most effective means of ensuring that Lifeline service will remain secure for thousands of qualified Pine Ridge residents is to issue a letter instructing USAC to extend the recertification deadline for all Lifeline services provided on the Pine Ridge reservation until June 30, 2018. We believe such action is fully consistent with the broad waiver authority provided by Congress to the Commission in the Telecommunications Act of 1994.

This action would provide immediate protection for Pine Ridge subscribers from having their service cut off, both immediately, and over the coming months, as the rolling monthly deadlines come up. In addition, a blanket extension would allow AT&T to reinstate service to those Pine Ridge residents whose services were cut off over the last 30-60 days.

During the requested extension period, the Oglala Sioux Tribe and its pro bono telecom counsel commit to working with USAC and AT&T to develop a permanent solution to the recertification problem. Currently, all Pine Ridge Lifeline subscribers qualify for the service by demonstrating that they receive other services that act as proxies for Lifeline qualification – such as the Tribal Commodity Food Distribution Program. We expect that we will be able to have the directors of such programs provide information to USAC and AT&T that proves qualification for the Lifeline service. Once we develop a program using such a certification method that meets with the satisfaction of USAC and AT&T, we will make a formal request to the Commission to adopt the system.

Mr. Chairman, thank you for your consideration of this very important issue. Again, we apologize for the lack of notice, and we express our heartfelt thanks for any actions you may be able to take to ensure the seamless continuation of a unique, highly effective and massively popular service that has become a critical means of providing both telecom and data service to the people of Pine Ridge.

Thank you,



Troy S. Weston, President
Oglala Sioux Tribe

cc Jay Schwartz, FCC Office of the Chairman
 Lyle Ishida, Acting Chief, ONAP
 Daniel Margolis, ONAP
 Sayuri Rajapakse, ONAP
 Wauneta Browne, AT&T
 Stephen Poirier, Director, OST Utilities Office
 Jon Canis, Canis PLLC